REMARKS

This is intended as a full and complete response to the Office Action dated September 3, 2008 (hereinafter "the Office Action") having a shortened statutory period for response set to expire on December 3, 2008.

Claims 1-10, 11-30, and 31-43 were subject to two restriction requirements, from which claims 1-10 were previously elected with traverse. Claims 7 and 8 were previously canceled without prejudice in favor of the amendment to claim 1. Non-elected claims 11-43 were also previously canceled without prejudice.

Claims 1-6 and 9-10 were presented for examination. Claims 1-6 and 9-10 were rejected as indicated below. With entry of this Amendment, claims 5 and 6 are cancelled without prejudice, and claims 1-4, 9, and 10 are amended. Support for the amendments to the claims may be found in the specification of the above-captioned application, for example at paragraph [0083], with reference to FIG. 7 as well as supporting text, and with reference to FIG. 10 as well as supporting text.

Entry of this amendment is respectfully requested to put the above-captioned application in condition for allowance.

35 U.S.C. § 112 Rejections

Claim 4 was rejected under 35 U.S.C. § 112 alleging the rejected claims as being indefinite. Claim 4 has been amended to be consistent with the specification. Accordingly, withdrawal of this rejection is respectfully requested.

35 U.S.C. § 102 Rejections

Claims 1-3 and 5-6 were rejected under 35 U.S.C. § 102(b) alleging the rejected claims as being anticipated by U.S. Patent No. 5,563,891 ("Wang"). With this rejection, Applicant respectfully disagrees, at least for the reasons previously made of

record in response to the Office Action mailed March 25, 2008, which are incorporated here by reference. Applicant respectfully further submits that the above rejection is moot with respect to claims 5-6, which have been cancelled without prejudice, and moot with respect to claims 1-3 in view of the above-made amendments.

In short, Wang discloses providing a gapped read clock signal from an AND gate (645 of FIG. 3) to a clock port of an elastic buffer (620 of FIG. 3) and to a read pointer (625 of FIG. 3). Thus, in Wang, gapped clocking of a read pointer for asymmetric period clocking thereof is employed; however, the gapped read clock signal is provided by gating a justification signal, a frame timing signal, and a local oscillator via the AND gate (645 of FIG. 3). Thus, latency of the read pointer of Wang is dependent upon a local oscillator (640 of FIG. 3).

In contrast to Wang, as claimed in relevant part in amended claim 1, a control register is programmable for receiving a nominal level for setting latency of a read pointer, where the latency of the read pointer is variable responsive to fill level of a plurality of memory locations relative to the nominal level.

Accordingly, it is respectfully submitted that claim 1 should be allowed. Furthermore, it is respectfully submitted that claims 2-3, which depend from an allowable base claim 1, should likewise be allowed.

Additionally, claim 2 has been amended to recite in relevant part causing the read pointer to increase the read address in advance of the read clock signal responsive to the amount of data being greater than the nominal level. In Wang, as previously indicated, the read pointer is controlled by the gapped read clock signal, and there is no separate input to such read pointer of Wang for adjusting in advance of such a gapped a read clock signal.

Furthermore, claim 2 has been amended to recite in relevant part that the controller is configured to adjust the read pointer independently of the read clock signal. Contrastingly, operation of the read pointer (625 of FIG. 3) of Wang is dependent upon a gapped read clock signal, and there is no separate input to such read pointer of Wang for adjusting independently of such a gapped a read clock signal.

35 U.S.C. §103 Rejections

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wang in view of U.S. Patent No. 6,721,825 ("Wood"). With this rejection, Applicant respectfully disagrees, for at least the reasons set forth above with reference to the rejection of claims 1-3.

Additionally, operation of the read pointer (625 of FIG. 3) of Wang is dependent upon a gapped read clock signal, and there is no separate input to such read pointer of Wang for decrementing in advance of a read clock signal. In contrast to Wang, amended claim 4 recites in relevant part the controller is configured to decrement the read pointer in advance of the read clock signal.

Accordingly, it is respectfully submitted that claim 4 should be allowed.

Claims 9-10 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wang. With this rejection, Applicant respectfully disagrees, for at least the reasons set forth above. Accordingly, it is respectfully submitted that claims 9-10, which depend from an allowable base claim 1, should likewise be allowed.

CONCLUSION

All claims should now be in condition for allowance and a Notice of Allowance is respectfully requested.

If there are any questions, the Applicants' attorney can be reached at Tel: 408-879-4641 (Pacific Standard Time).

Respectfully submitted,

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*I hereby certify that this correspondence is being filed via EFS-Web with
the United States Patent & Trademark Office on October 29, 2008.*
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